

**Lincoln, Nebraska
August 6, 2010**

**COMMUNITY CORRECTIONS COUNCIL
*MEETING MINUTES***

The Community Corrections Council (Council) met Friday, August 6, 2010, at Bryan LGH College of Health Sciences, Room 204, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Scot Adams, Chair
Mike Behm
Esther Casmer
Brenda Council
Eleanor Devlin
Thomas Dorwart
Ellen Fabian Brokofsky
Darrell Fisher
Cathy Gibson-Beltz
Robert Houston
John P. Icenogle, Vice-Chair
Joe Kelly
Robert Lindemeier
Dallas Massey
Travis Parker
Pete Pirsch

Others present:

Jacki Allensworth
Eric Asboe
Scott Carlson
Joan Dietrich
Mike Dunkle
Jim Jones
Steve King
John Krejci
Deb Minardi
LaMont Rainey
Marge Schlitt
Dave Sinnott
Dave Wegner
Larry Wayne

Members absent:

Jeff Davis
Karen Flowers
Frank Peak
Janice Walker

Council Staff present:

Linda Krutz, Executive Director
Jeff Beaty, Policy Analyst
Tia Bachman, Admin. Assistant

CALL TO ORDER, WELCOME, & OVERVIEW

Scot Adams, Director the Division of Behavioral Health, Department of Health and Human Services (DHHS) and Chair, called the Council meeting to order at 9:04 a.m., announced the meeting is subject to the Open Meetings Act and gave an overview of the meeting. Attendance is indicated above.

PUBLIC COMMENT

John Krejci, Emeritus Professor of Sociology and Social Work, and writer for the Nebraska Criminal Justice Review, presented and discussed brochures from Nebraska Aftercare IN Action (NAIA) and Circles Of Support And Accountability (COSA).

Travis Parker and Pete Pirsch arrived at 9:06 a.m.
Ellen Fabian Brokofsky arrived at 9:09 a.m.

Jim Jones, Executive Director, Community Justice Center (CJC), extended an invitation to the ten year anniversary of the CJC and discussed the information distributed to all Council members prior to the meeting.

APPROVAL OF MINUTES

The May 21, 2010 meeting minutes were approved as presented.

COMMUNITY CORRECTIONS COUNCIL PLANNING SUB-COMMITTEE UPDATE

Jeff Beaty, Policy Analyst, Council, gave an update on the short term priorities outlined by the Planning sub-committee. The Reporting Center (RC) Expansion Plan for Legislature (Item ID) and Identifying Service Gaps and Needs for each judicial district (Item IC) are currently in progress and are estimated to be completed in November 2010. Developing standardized definitions of outcome measures for Community Corrections Programs (Item IIIB) is also in progress with an estimated completion time of November 2010 through January 2011. Expanding community corrections services for mentally ill offenders (Item IB) will be an agenda item at the September 8, 2010 Justice Behavioral Health Committee (JBHC) meeting.

Beaty then provided a list of potential “Next Steps” for the Council to focus on once the current priorities are completed. These include: expanding the target population and the scope of treatment services provided at existing community corrections programs; evaluate existing community corrections programs and make improvements based upon the findings; and developing incentives to complete programming for probationers and parole eligible offenders.

Beaty discussed the RC expansion plan timeline. An update will be provided to the Sentencing and Recidivism Task Force on October 1, 2010; a rough draft will be presented to the Council at the November 5, 2010 meeting; and the final report will be submitted to the Legislature by December 1, 2010.

EVALUATION & RESEARCH STEERING COMMITTEE

Mike Dunkle, Systems Analyst, Nebraska Commission on Law Enforcement and Criminal Justice (NCC), gave an update on the Evaluation and Research Steering Committee. A request was made for the Council to adopt the program evaluation standards of the American Evaluation Association as guiding principles and standards by which the Steering Committee will conduct appraisals of member evaluations and research.

Dunkle then presented five additional standards to provide further guidance and clarification for Council evaluators. These include:

- 1) Where possible, data should be retained by the agency under evaluation for 10 years to provide information for long-term follow-up evaluation, and a basis for the next program evaluation.
- 2) Where possible, an evaluation should provide actionable items for the program administrators to address. Progress on these items should be reported to the Council after an appropriate interval.
- 3) Where possible, standardized outcomes to allow assessment of outcomes across programs and across time should be included in the evaluation.
- 4) Results should be reported in a manner that will support meta-evaluation by another researcher. The meta-evaluation addressed here is a statistical and methodological tool.
- 5) The evaluator should address any issues of threats to the validity of the outcomes of their research.

A motion was made by Bob Lindemeier and seconded by Pete Pirsch to adopt the Program Evaluation Standards of the American Evaluation Association and the additional five standards proposed. Roll call was conducted and the motion passed unanimously.

A 15 minute break was called by Adams.

The Council reconvened at 10:47 a.m.

FISCAL YEAR 2009-10 CARRYOVER FUNDS

Beaty discussed the Fiscal Year (FY) 2009-10 carryover funds which include:

<u>Contract</u>	<u>Carryover</u>	<u>Original Contract Amount</u>
Reporting Centers	\$192,951.53	\$1,398,830
Specialized Courts	\$231,765.95	\$2,193,783
Probation - Drug Technicians	\$52,092.82	\$63,219
Specialized Courts Training	\$70,000	\$70,000

Eric Asboe, Nebraska Supreme Court Budget and Fiscal Officer, requested the RC and Specialized Courts carryover funds be held in reserve while the Probation – Drug Technician and Specialized Court Training be re-awarded.

Scot Carlson, Statewide Coordinator for Problem-Solving Courts, said the Midwest Nebraska Drug Court hosted a nationally recognized training on sentencing and sanctions in July 2010. The carryover funds would be used for expenses incurred for the training.

A motion was made by Bob Houston and seconded by Dallas Massey to approve the Reporting Center carryover fund of \$192,951.53 and the Specialized Court carryover fund of \$231,765.95 to be placed in reserve. The Probation – Drug Technician carryover fund of \$52,092.82 and the Specialized Court Training carryover fund of \$70,000 to be re-awarded. Roll call was conducted and the motion passed unanimously.

PROPOSED LEGISLATION

Beaty discussed proposed legislative ideas for 2011. “Earned compliance credits (good time for probation)” would provide a mechanism by which individuals on probation who have successfully completed their court ordered obligations and not committed any violations can have their probation term reduced. Council members agreed the concept would be better utilized as an internal policy change rather than as legislation.

A motion was made by Mike Behm and seconded by Cathy Gibson-Beltz to endorse the concept of “earned compliance credit”, request the judicial branch review and create a plan to implement the concept, and report back to the Council by the November 5, 2010 meeting for consideration but not recommendation to the executive branch for the 2011 legislative session. Roll call was conducted and the motion passed unanimously.

Beaty then discussed a proposal of “credit for time served in treatment while awaiting sentencing” as suggested by Bob Lindemeier, Criminal Defense Attorney, that would allow inmates to receive credit towards their sentence for inpatient substance abuse treatment received prior to sentencing. The proposal is in response to a recent Nebraska Court of Appeals decision disallowing such credits under existing statutes.

A motion was made by Thomas Dorwart and seconded by Joe Kelly to table the discussion of “credit for time served in treatment while awaiting sentencing” until the November 5, 2010 meeting. Roll call was conducted and the motion passed unanimously.

Beaty also discussed the concept of “joint supervision of probationers and parolees”. The concept originated in 2006 when the public adopted a constitutional amendment that authorized joint supervision but the underlying statutes do not include enabling language to implement the amendment. Parole and Probation Administration are currently pursuing an inter-local agreement and agreed legislation is not necessary. An update on the concept will be presented at the November 5, 2010 meeting.

CONTINUOUS ALCOHOL MONITORING

Deb Minardi, Deputy Probation Administrator for Community Based Supervision, Programming and Services, said information on the Continuous Alcohol Monitoring (CAM) program was distributed to all Council members.

Travis Parker, Deputy Director, Community Mental Health Center of Lancaster County, requested "Targeting Your Interventions Through Risk and Need", a video by Dr. Doug Marlowe viewed at the Incentives and Sanctions training for Problem Solving Courts in Lexington, NE on July 21-22, 2010, be on the November 5, 2010 meeting agenda.

Darrell Fisher, Travis Parker, and Pete Pirsch left at 12:00 p.m.

NEBRASKA PROBATION APPLICATION FOR COMMUNITY SAFETY

Dave Wegner, Deputy Probation Administrator for Operations, presented an update on Nebraska Probation Application for Community Safety (NPACS). The NPACS system allows probation users to access real time data from anywhere at any time. The Uniform Data Fund provided \$295,928 and the Probation Program Cash Fund provided \$84,072 for a total of \$380,000 for the project.

Joe Kelly left at 12:08 p.m.

Bob Houston left at 12:11 p.m.

Wegner requested to be on the November 5, 2010 agenda to continue the discussion of NPACS. Ellen Fabian Brokofsky, Probation Administrator, also requested that a description of what types of data could be obtained from NPACS be presented.

Esther Casmer left at 12:15 p.m.

TARGET POPULATION & COMMUNITY CORRECTIONS PROGRAMS REPORT

Dunkle presented the *Target Population Report, June 2010*. Total admissions to the Department of Correctional Services (DCS), Felony Drug Offenders (FDO) admissions to DCS, FDO's sentenced to three years or less, Parole, and FDO's sentenced to Parole and Probation are up compared to admissions in June 2009. However, Probation admissions are down by seven percent.

The average population in DCS for 2010 is similar to the average population for 2009. FDO's, Parole, and Probation populations are down compared to the average populations in 2009.

Brenda Council left at 12:20 p.m.

Dunkle presented the *Community Corrections Programs Report, June 2010*. Specialized Substance Abuse Supervision (SSAS) has continued to drop in population since January 2010

and is operating at 108 percent capacity. District four (Douglas County) had a temporary reduction in staff and is operating at 173 percent capacity.

Dunkle then discussed the *Community Corrections Council Problem-Solving Courts Report, June 2010*. Adult Problem-Solving Courts were operating at 77 percent of capacity. Lancaster County Adult Drug Court and Douglas County Adult Drug Court were operating at about 100 percent capacity while Scotts Bluff County Adult Drug Court was operating at 20 percent capacity. Adult courts had 19 new admissions in June 2010 and 14 departures. Of the departures, 57 percent were graduations and 43 percent were terminated.

GRANT SUPPORT LETTER

Adams notified the Council of a letter of support approved by the Grant Support Review Committee for a grant being applied for by Probation Administration. The process of the Grant Support Review Committee and letters of support will be revisited at the November 5, 2010 meeting.

ADJOURNMENT

There being no further business, at 12:33 p.m. the Council adjourned.

The next scheduled meeting is Friday, November 5, 2010, at the Nebraska State Office Building, Room LLF, 301 Centennial Mall South, Lincoln, NE. The meeting will begin at 9:00 a.m.

Respectfully submitted,

Tia M. Bachman
Administrative Assistant